

### **REMARKS/ARGUMENTS**

In view of the amendments and remarks herein, favorable reconsideration and allowance of this application are respectfully requested. By this Amendment, claim 1 has been amended, claim 10 has been cancelled, and claims 13-23 have been added. Thus, claims 1-9 and 11-23 are pending for further examination.

Claims 1-12 stand rejected under 35 USC 103(a) as allegedly being obvious over Capazario et al. (U.S. Publication No. 2003/0154141) in view of Huang et al. (U.S. Patent No. 6,151,582). Applicant has amended independent claim 1 herein in a manner that is believed to clearly and patentably distinguish the cited prior art. Thus, reconsideration and withdrawal of the rejections are respectfully requested.

From the outset, it is noted that Capazario, the base reference in this “obviousness” type rejection, appears to be unrelated both to the invention of the claims and to the secondary reference, Huang. This is because Capazario primarily relates to a store-specific inventory management system to be used by planners at that particular store, and not to a system for use by a sales administrator for allocating product to a plurality of locations. Capazario appears to be designed to use image recognition techniques to direct store personnel to rearrange products already present at the site to make them look more aesthetically pleasing. Thus, in Capazario, and in any alleged combination based on Capazario, the ability to manage the actual amount and allocation of stock within a location appears to be secondary at best to managing its physical appearance within a site -- to say nothing of the ability to manage stock across a plurality

of locations as required by claim 1. Thus, it appears to be improper to combine Capazario with Huang, which discloses a decision support system for managing an agile supply chain including a server side and a client side, and to apply Capazario, Huang, and/or their alleged combination to the invention of the claims.

With respect to the specific limitations in the claims, currently amended independent claim 1 requires “a computer program that allocates a launch quantity to each account for a new product launch and allocates product to each account for replenishment of a previously launched product, based on the allocation method assigned to the product and in accordance with a predefined business allocation goal provided by the sales administrator for the plurality of locations.” Support for this limitation can be found, for example, in paragraphs 1 and 25 of the original specification. By way of example and without limitation, a business allocation goal may be predefined by a sales administrator for the plurality of locations so that all retailers run out of product at approximately the same time (for example, if there is a short supply, all of the retailers run out on at approximately the same time, e.g., on the same day) resulting in no advantage to any one retailer over another and no product being in the wrong place.

The Office Action admits that Capazario fails to teach or suggest a computer program that allocates a launch quantity to each account for a new product launch and allocates product to each account for replenishment of a previously launched product based on the allocation method assigned to the product, and introduces Huang to make up for this deficiency of Capazario. However, Capazario and Huang, alone or in

combination, fail to disclose “a computer program that allocates a launch quantity to each account for a new product launch and allocates product to each account for replenishment of a previously launched product, based on the allocation method assigned to the product and in accordance with a predefined business allocation goal provided by the sales administrator for the plurality of locations,” as required by claim 1 and its dependents.

Huang appears to disclose a supply management decision process that presumably accounts for dynamic replanning, vendor managed replenishment (VMR) strategic planning, and replenishment planning. None of these factors constitute a predefined business allocation goal provided by the sales administrator for the plurality of locations as required by claim 1 and its dependents. Moreover, although Huang makes reference to certain plans and plan data (e.g., Aggregate Production Plan Data, Production-Sales-Inventory Plan, Master Production Plan, etc.), such plans appear to be static reports or mere contract requirements rather than a predefined business allocation goal. Furthermore, the user requirements discussed in Huang appear to guide the design of the tool itself, rather than to cause a computer program to behave in accordance with a predefined business allocation goal provided by the sales administrator for the plurality of locations. Thus, Capazario and Huang, alone or in combination, fail to teach or suggest at least this feature of claim 1.

For at least the foregoing reasons, Applicant believes that amended claim 1 clearly and patentably distinguishes over the cited prior art. Independent claim 13 requires similar features as those discussed above with respect to amended claim 1. Thus,


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Applicant respectfully submits that claims 13 is allowable for substantially the same reasons discussed above for claim 1. In addition, all of the dependent claims are believed to be allowable at least by virtue of their dependency one of the amended independent claims.

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of this application are earnestly solicited. Should the Examiner have any questions regarding this application, or deem that any formalities need to be addressed prior to allowance, the Examiner is invited to call the undersigned attorney at the phone number below.

Respectfully submitted,

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